

**Heber City Corporation  
City Council Meeting  
July 18, 2013**

**7:00 p.m.**

**REGULAR MEETING**

The Council of Heber City, Wasatch County, Utah, met in **Regular Meeting** on July 18, 2013, in the City Council Chambers at 75 North Main Street, Heber City, Utah.

**Present:**

Council Members

Robert Patterson  
Alan McDonald  
Benny Mergist  
Jeffery Bradshaw  
Erik Rowland

**Excused:**

Mayor

David R. Phillips

**Also Present:**

City Manager  
City Recorder  
City Engineer  
Planning Director  
Chief of Police

Mark K. Anderson  
Michelle Kellogg  
Bart Mumford  
Anthony Kohler  
David Booth

**Others Present:** Anissa Wardell, Rod Hopkins, Kendall Crittenden, Kelleen Potter, James Lane, Todd Cates, Blake Allen, Janine McKenty, Darryl Glissmeyer, Liz Lewis, Ted Budd, Jay Neiderhauser, Charles R. Zuercher, Mike Johnston, Mike Bardole, Tom Romano, and others whose names were illegible.

Council Member Rowland excused Mayor Phillips and indicated he would be serving as Mayor Pro Tempore at this meeting.

**Minutes:** June 20, 2013 Work and Regular Meetings  
July 8, 2013 Special Meeting

Council Member Patterson moved to approve the above listed minutes. Council Member Bradshaw seconded the motion. Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

***OPEN PERIOD FOR PUBLIC COMMENT***

James Lane, the owner of local theatres, stated he had seen businesses in the City come and go from hard times during the last five years. He thought the downtown area wasn't attracting customers, and one reason was not being able to safely cross the street. Lane had observed other cities that had a speed limit of 25 mph and stop lights at every intersection. Also, these other cities' streets were spotless and beautiful. Lane noted that lack of parking was another issue which deterred customers from downtown shopping. He suggested adding public parking behind

the County building. He felt that if the City implemented some of these measures, people would come downtown more. He also suggested implementing a fine for the Main Street commercial building owners that left their buildings empty over a certain time period. The fine would give them incentive to get businesses in the buildings.

Janine McKenty, owner of Sidetrack Café, stated she agreed with James Lane, and asked that trash cans be placed along Main Street so the sidewalks could be kept clean. She also suggested making a bypass for trucks only and charging them a toll.

Mumford stated UDOT told the City that Main Street was a federal highway, and therefore trucks could not be prohibited from using the road. The speed limit was also set by UDOT, but it wouldn't hurt for a local agency to ask for a speed reduction. UDOT's goals were not always the same as the city's goals. Council Member Bradshaw stated UDOT came and talked about speed limits, but law enforcement didn't want to reduce it.

Charles "Chuck" Zuercher, a broker for Prudential Real Estate, stated a study had been done by Utah State University students, and it gave suggestions that addressed all these concerns. Council Member Mergist stated he was not in favor of the bypass, but unless the City could convince UDOT to give the City Highway 40 (Main Street), the City could not be in control and would not be able to install medians in middle of the road, parallel parking, angled parking, etc. The City would also have to buy the parcels as they were made available for sale before constructing a bypass. Lane noted the speed signs flashing the speed limit and how fast cars were actually travelling would help drivers slow down.

Mike Bardole asked the audience how many had seen vehicles speeding, and noted he and others did not see speeding cars on Main Street being ticketed by police officers. McKenty commented that she saw many accidents in front of her business on Main Street and 100 South, and observed the accidents were due to fast driving.

### ***CONSENT AGENDA***

**Approve Janine McKenty, dba Sidetrack Café, Request for Local Consent for Restaurant License to Sell Alcoholic Beverages:** Council Member Patterson asked if Kohler had any concerns with this request. Kohler stated he had no concerns and noted McKenty met the requirements as the City code specified. McKenty explained the difference between a restaurant license and a club license; a restaurant would have to sell 60% food to get an alcohol license, but a Club would not require food sales.

Council Member Bradshaw moved to approve the request from McKenty for local consent for a restaurant license to sell alcoholic beverages. Council Member Patterson made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

Council Member McDonald asked how many restaurants in the City had liquor licenses. Kohler estimated half a dozen. McKenty asked if the consent was granted for both a restaurant and a club license. It was indicated both were approved.

## ***APPOINTMENTS***

**Liz Lewis, The Good Neighbors Project Presentation and Request for Funds:** Lewis indicated she was the Interim Executive Director for the Good Neighbors Project while the board looked for a director from this valley. She stated youth were facing more challenges than ever before, and then presented a PowerPoint explaining the program and indicated this was an agricultural based program. Youth would work to produce products and gain experience to help them succeed, which would make a difference in their lives by finding and maintaining gainful employment. She stated the high school had recruited the students, and the board was soliciting help from local businesses and individuals in the community. Lewis explained the Arrows Reward Program which would give incentives to the students for the work they did. The youth would also focus on serving seniors as well. She noted this program was designed for youth ages 15-19 years old. The youth would receive points based on their performance, but would not receive money for their work. The points would accumulate to a level where a reward would be redeemed.

Council Member Mergist commented that this was a great program. He moved to approve \$3,000 from the Council's discretionary fund to support this project. Council Member McDonald made the second and asked for the City's contribution to also include departmental help to further gain community support for this project.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

## ***ACTION ITEMS***

**Resolution 2013-09, Proposed Changes to Personnel Policy:** Mayor Pro Tempore Rowland reviewed the proposed changes to the Personnel Policy. Anderson stated at the last meeting, the Council asked the Personnel Policy Committee to readdress the per diem GSA rate. The committee addressed that issue and the proposed policy was submitted in the packet.

Council Member Mergist moved to approve Resolution 2013-09, Changes to the Personnel Policy. Council Member Bradshaw seconded the motion. Council Member Patterson asked about Anderson's concern with the military leave proposal. Anderson stated there would be a fiscal impact with two employees serving in the National Guard.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

**Resolution 2013-10, Adopt Certified Tax Rate:** Anderson stated the budget projected \$792,000 in sales tax revenue and \$791,000 was the projected number with the new rate. Anderson explained the Utah State Tax Commission and the County set this rate every year so local governments could have sustained income plus new growth. It did not constitute a raise in property taxes.

Council Member Patterson moved to approve Resolution 2013-10, Certified Tax Rate. Council Member Bradshaw made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

**Approve/Deny the Annexation Petition for the Gardner Annexation – 4.014 Acres of Land Owned by Heber City at 2530 South Southfield Road:** Anderson stated this annexation represented a piece of ground the City acquired years ago that was not in Daniels Township nor the City limits, but was adjacent to the airport. If the Council accepted the petition, the City would notify the various affected entities of the action.

Council Member Bradshaw moved to approve the annexation petition for the Gardner Annexation. Council Member Patterson made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

**Approve Neil Muir, Small Subdivision/Lot Split – 188 East 500 South:** Mike Johnston stated Muir couldn't be here, but there was a buyer that wanted to build next to his house. Council Member McDonald moved to approve the Muir Two Lot Subdivision with the recommendations of the Planning Commission. Council Member Mergist made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

**Approve Red Ledges Plat Amendment, Plat K, Lots 405 and 406:** Council Member Patterson moved to approve Red Ledges Plat Amendment, Plat K, Lots 405 and 406. Council Member McDonald seconded the motion.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

**Approve Blake Allen, Small Subdivision/Lot Split – 211 South 200 West:** Council Member Bradshaw moved to approve Heber Homes #7 Subdivision. Council Member Patterson seconded the motion.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

**Approve FAA Grant AIP-025 for Engineering Design for Runway and Apron Rehab, and Runway Lighting Replacement:** Anderson stated he originally sent a draft agreement to the Council with the packet, but then sent the final agreement to the Council later. The grant increased in order to cover the engineering fee estimate. Council Member Mergist clarified that the grant was only for maintenance and not to change the class of the airport.

Council Member Patterson moved to approve the FAA Grant AIP-025 for engineering design for runway and apron rehab, and runway lighting replacement. Council Member Bradshaw made the second.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

**Approve Election Judges for the Primary and General Municipal Elections:** Anderson noted the addition of Alonna Cook as an alternate election judge. Council Member Mergist moved to approve the election judges for the Primary and General Municipal Elections. Mayor Pro Tempore Rowland seconded the motion.

Voting Aye: Council Members Patterson, McDonald, Mergist, Bradshaw, and Rowland.

Council Member McDonald asked if background checks were performed on the election judges. Kellogg stated the only requirement to be an election judge was that the person needed to be a registered voter.

With no further business, the meeting was adjourned.

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Michelle Kellogg, City Recorder

APPROVED 08-15-2013